

Message Text

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PAGE 01 STATE 038909
ORIGIN ARA-10

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FM SECSTATE WASHDC
TO AMEMBASSY BOGOTA

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E.O. 11652: N/A

TAGS: PFOR, MASS, CO

SUBJECT: COLOMBIAN AIR FORCE C-130 OVERHAUL PROBLEM

REFERENCE: STATE 29696

1. TRAMMELL ADVISES THAT COURT HEARING WAS HELD FEBRUARY 15 (RATHER THAN FEBRUARY 17, AS PREVIOUSLY SCHEDULED). JUDGE THEN MET ON FEBRUARY 16 IN CHAMBERS WITH ATTORNEYS FROM BOTH SIDES, AND, ACCORDING TO TRAMMELL, AGREED THAT FIRST PLANE SHOULD BE RELEASED. QUESTION OF AERO CLAIM ON GOC IS TO BE DECIDED WHILE WORK PROCEEDS ON SECOND PLANE. JUDGE ASKED TRAMMELL TO PREPARE DRAFT COURT ORDER TO THAT EFFECT, AND TO GIVE IT TO AERO ATTORNEY FOR REVIEW BY FEBRUARY 18.

2. TRAMMELL INDICATES HE PREPARED DRAFT COURT ORDER AND PROVIDED IT TO AERO ATTORNEY ON FEBRUARY 18. AERO ATTORNEY WILL HAVE UNTIL FEBRUARY 24 TO STUDY DRAFT COURT ORDER AND EITHER AGREE TO IT OR NEGOTIATE CHANGES WITH TRAMMELL. IF
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NO AGREEMENT CAN BE REACHED, AERO ATTORNEY WILL DRAW UP DRAFT COURT ORDER AND JUDGE WILL DECIDE UPON WHICH ONE TO SIGN. IN ANY EVENT, SIGNED COURT ORDER IS ANTICIPATED BY END OF WEEK OF FEBRUARY 20.

3. TRAMMELL SAYS HIS DRAFT COURT ORDER PROVIDES FOR RELEASE OF FIRST PLANE WITHIN THREE DAYS OF ISSUANCE OF

COURT ORDER. IF HE PREVAILS WITH JUDGE, PLANE SHOULD BE AVAILABLE TO COLOMBIAN AIR FORCE BY MIDDLE OF WEEK OF FEBRUARY 27.

4. FYI: AERO IS CLAIMING \$75,000 IN DAMAGES FOR ALLEGED LATE GOC PAYMENTS FOR WORK ON FIRST PLANE. TRAMMELL BELIEVES THIS CLAIM HAS NO MERIT, BUT THIS MATTER WILL HAVE TO BE RESOLVED IN COURT BEFORE RELEASE OF SECOND PLANE. BOTH SIDES WILL RESERVE RIGHTS TO SUE FOR DAMAGES; TRAMMELL BELIEVES AIR FORCE WILL STAND GOOD CHANCE OF WINNING A FUTURE DAMAGE SUIT SHOULD IT DECIDE TO PURSUE THAT COURSE OF ACTION.

5. TRAMMELL REPORTS THAT AIR FORCE REPS IN FLORIDA CONTINUE TO BE DISAPPOINTED AND FRUSTRATED BY SLOW PACE OF RESOLVING THE DISPUTE, BUT THAT THEY ARE SATISFIED PROGRESS IS BEING MADE.

6. ALL OF ABOVE HAS BEEN PASSED TO MINISTER-COUNSELOR LOPEZ OF COLOMBIAN EMBASSY. LOPEZ AGREES THAT AT PRESENT NOTHING MORE SHOULD BE DONE BY THE DEPARTMENT.

HARTMAN

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NNN

Message Attributes

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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
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